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Attorneys for Defendant
 Bobby R. Johnson, Jr.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

E-FILED - 9/27/07

IN RE FOUNDRY NETWORKS, INC.
 DERIVATIVE LITIGATION,

) Master File No. C-06-05598-RMW

) **STIPULATION AND []**
) **ORDER RE: HEARING ON**
) **MOTION TO DISMISS AND CASE**
) **MANAGEMENT CONFERENCE**

THIS DOCUMENT RELATES TO:

ALL ACTIONS

WHEREAS, pursuant to the parties' prior stipulation, on September 28, 2007 the Court is currently scheduled to hear oral argument on Nominal Defendant Foundry Networks, Inc.'s Motion to Dismiss Consolidated Derivative Complaint and hold a case management conference; and

WHEREAS, counsel for the parties have agreed to reschedule the hearing and case management conference so that they might first share certain information and further discuss whether it would be useful to go to mediation at this juncture;

WHEREAS, the parties have agreed to continue the case management conference and motion to dismiss hearing to November 30, 2007;

1 THEREFORE, IT IS STIPULATED AND AGREED by Plaintiffs, Foundry Networks,
2 Inc. and all of the remaining Individual Defendants, through their respective counsel of record,
3 as follows:

4 1. The hearing on nominal defendant Foundry Networks, Inc.'s motion to dismiss is
5 rescheduled to November 30, 2007 at 9:00 a.m.

6 2. The case management conference is rescheduled to November 30, 2007 at 10:30
7 a.m.

8 3. The parties agree that, by entering into this stipulation, they do not waive any
9 claim, argument or defense that they may have in this action and that nothing in this stipulation
10 limits the rights of any party to take any action not inconsistent with its express terms.

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12
13 Dated: September 25, 2007

DLA PIPER US LLP

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15 By: /s/ Shirli F. Weiss
16 SHIRLI F. WEISS

17 Attorneys for Nominal Defendant Foundry
18 Networks, Inc. and Defendants Alfred
19 J. Amoroso, C. Nicholas Keating, Jr., J. Steven
20 Young, Laurence L. Akin, Ken K. Cheng,
21 John P. Burger, Benjamin D. Taft, Paul L.
22 Twombly, Richard W. Bridges, Chandra
23 Kopparapu, Ivy Pei Shan Hsu, Karl D. Triebes,
24 Lee Chen, Robert W. Shackleton, William S.
25 Kallaos, Andrew K. Ludwick

1 Dated: September 25, 2007

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

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By: /s/ Cynthia A. Dy
CYNTHIA A. DY

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Attorneys for Defendant Bobby R. Johnson, Jr.

6

7 Dated: September 25, 2007

KEKER & VAN NEST LLP

8

9

By: /s/ Elliot R. Peters
ELLIOT R. PETERS

10

Attorneys for Defendant Timothy D. Heffner

11

12 Dated: September 25, 2007

SCHIFFRIN BARROWAY TOPAZ &
KESSLER LLP

13

14

15

By: /s/ Alan R. Plutzik
ALAN R. PLUTZIK

16

Co-Lead Counsel for Plaintiffs

17

18 Dated: September 25, 2007

KELLER ROHRBACK L.L.P.

19

20

By: /s/ Juli E. Farris
JULI E. FARRIS

21

Co-Lead Counsel for Plaintiffs

22

23 Dated: September 25, 2007

COOLEY GODWARD KRONISH LLP

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25

By: /s/ John C. Dwyer
JOHN C. DWYER

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Of Counsel

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Attestation Pursuant to General Order 45

I, Cynthia A. Dy, attest that concurrence in the filing of this document has been obtained from the other signatories. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 25th day of September, 2007 at Palo Alto, California.

/s/ CYNTHIA A. DY
CYNTHIA A. DY

* * * *

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 9/27/07

Ronald M. Whyte

THE HONORABLE RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE